



Intarcia Ref. No. INT 004.10
USSN 10/004,118
PATENT

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27 October 2008

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Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Stanford Mark Moran

Confirmation No. 8022

Serial No.: 10/004,118

Art Unit: 1647

Filing Date: 30 October 2001

Examiner: Seharaseyon, J.

Title: METHOD FOR TREATING DISEASES WITH OMEGA INTERFERON

RESPONSE TO FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the final Office Action in the above-referenced application, mailed 28 May 2008. Accompanying this response is a petition for extension of time (two months). Thus the response date with two-month extension is Tuesday 28 October 2008. Authorization for payment of the corresponding fee at small entity rates accompanies this paper in the Petition for Extension of Time. Also accompanying this response is a Request for Continued Examination (RCE), including authorization for the required fee. Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

Introductory Comments

I. Summary of the Office Action.

In the Office action, mailed 28 May 2008, the Examiner asserted the following rejections:

The Examiner rejected claims 87, 88, 90-96 and 98-114 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over Parker, et al., WO 00/40273, in view of Goeddel, et al., US 5,120,832, and further in view of Theeuwes, et al., US 4,976,966.

The Examiner rejected claims 87, 98, 103 and 109-113 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over Parker, et al., WO 00/40273, in view of Goeddel, et al., US 5,120,832, and further in view of Theeuwes, et al., US 4,976,966, and Guillen, et al., US 6,074,673.

The Examiner provisionally rejected claims 87, 88, 90-96, 98-108 and 114 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 65 and 86-104 of co-pending U.S. Patent Application No.10/982,532.

The Examiner provisionally rejected claims 87, 88, 90-96, 98-108 and 114 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 5-7, 17-22, 25 and 40-55 of co-pending U.S. Patent Application No. 11/811,415.

With the exception of the provisional obviousness-type double patenting rejections, the rejections are traversed for reasons discussed below.